IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE GHULAM MOHAMMED
and
THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

A.S.No.782 of 1997

Between:
The Revenue Divisional Officer, Land Acquisition Officer, Nandyal, Kurnool District.

..... Appellant

AND

K.Subba Rayudu.

.....Respondent

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JUDGMENT: (Per Sri Justice Ghulam Mohammed,J)

The Revenue Divisional Officer-cum- Land Acquisition Officer, Nandyal, Kurnool District, has preferred this appeal under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'), against the order and decree dated 19.08.1998 in O.P.No.25 of 1997 on the file of the Senior Civil Judge, Atmakur.

2. The facts, in brief, are as follows;

The Land Acquisition Officer issued a notification under Section 4(1) of the Act for acquisition of lands in Kanala and Alavakonda villages of Sanjamala Mandal for formation of new tanks across Gondra Vagu near Kanala Village. The draft declaration was published in Adhra Pradesh Gazettee dated 08.09.1987. As per the said notification, the land of an extent of Acs.0.25 gts in Sy.No.44/1B situated at Kanala village, Nandyal, belonging to the respondent/claimant, was acquired. The Land Acquisition Officer, after following the procedure prescribed under law, fixed the market value at the rate of Rs.4,000/-per acre for the acquired land under the award No.5/88 dated 11.11.1988. Aggrieved by the same, the respondent/claimant sought for a reference under Section 18 of the Act, claiming higher compensation, and the same has been referred by the Revenue Divisional Officer, Nandyal, for determination of the market value

of the said acquired land and it was taken on file by the learned Senior Civil Judge, Atmakur, as O.P.No.25 of 1997.

3. The learned Senior Civil Judge clubbed O.P.No.25 of 1997 along with other OPs and conducted common trial. In order to establish the claim of the claimants in all the O.Ps i.e., L.A.O.P.Nos. 18 of 1997 and batch, PW1 was examined and Ex.A1 was marked. On behalf of the appellant, RWs.1 and 2 were examined and Ex.B-1 was marked.

4. The learned Senior Civil Judge, Atmakur, on consideration of the material available on record, fixed the market value of the acquired land at the rate of Rs.10,800/-per acre and the claimants are entitled to solatium at 30% per annum on the enhanced compensation and interest at 9% per annum for the first year from 12.03.1981 i.e., from the date of taking possession and 15% per annum thereafter till realisation on the enhanced amount. Further, the claimants shall be paid at 12% per annum on Rs.10,800/- as additional market value from the date of taking possession till the date of award i.e., from 12.03.1981 to 11.11.1988. Aggrieved by the same, the present appeal has been filed.

5. When the matter is taken up for hearing, it is brought to the notice of this Court that the subject matter that arises for consideration in this appeal is squarely covered by the judgment of this Court in A.S.No.718 of 1999 dated 19.01.2005. Following the said judgment, this appeal preferred by the Revenue Divisional Officer-cum-Land Acquisition Officer, Nandyal, is partly allowed in the following manner:

(a) The respondent-claimant shall be entitled to payment of compensation at the rate of

Rs.9,800/-per acre and not at the rate of Rs.10,800/-per acre as has been awarded by the reference Court.

(b) The respondent-claimant shall be entitled to payment of interest and as well as the additional amount only from the date of publication of the notification in the official gazette and not from the date of taking of possession of the lands which in the present case is much before the publication of the notification.

(c) The respondent-claimant however shall be entitled to payment of interest on 30% solatium, which has not been awarded by the reference Court.

(d) There shall be no order as to costs.

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GHULAM MOHAMMED,J

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NOOTY RAMAMOHANA RAO, J

Date:27.10.2009

sj